

HOW TO ANNEX TO A CITY

An overview of the annexation process

Annexation Methods

In Washington state there are five methods of annexation. They are described briefly below:

- 1) Election Method Annexation:** The legislative body of a city or town adopts a resolution calling for the annexation of certain territory by election, and files the resolution with the County Council. The County Council then adopts an ordinance setting the date for an election on the question of annexation. Only registered voters within the proposed annexation area may cast ballots in the election. The annexation is approved if supported by a simple majority of those voting. Alternately, residents can file a petition (in prescribed format, signed by not less than 20% of the area's voters) with the city asking for an annexation election: the city need not agree to hold the election, and may modify the annexation proposal if it agrees to conduct an election.
- 2) Direct Petition Method Annexation:** Annexation is initiated by filing with the city a petition (in prescribed format) signed by at least 10% of persons residing in the annexation area. Alternately, a petition may be filed with signatures of the owners of properties representing at least 10% of the assessed valuation of the area. With the filing of the petition, the petitioners notify the city of their intention to commence annexation proceedings. The city council accepts, rejects, or geographically modifies the proposed annexation proposal. A second, city-approved form of petition must then be signed by the owners of properties representing not less than 60% of the assessed valuation of the area (if annexing to a "code city"). The legislative body of the city or town then holds a public hearing on the question of annexation. Annexation is finalized by the adoption of an ordinance by the city council. The city may reject the annexation despite the petition. This the most common method of annexation in King County.
- 3) 50/50 Direct Petition Method:** In this method, annexation is initiated by securing signatures of both landowners and registered voters. The community initiators (owners of not less than 10% of the land area **or** not less than 10% of the area's residents) must notify the city council of their intention to commence annexation. The city sets a meeting with the initiating parties to preliminarily determine whether the city will accept, reject or modify the proposed annexation. A second petition, in form approved by the city, is then prepared and must be signed by at least 50% of the registered voters in the area **and** the owners of at least 50% of the acreage of the area. Following submittal of the second petition, the city holds a public hearing and decides whether to annex (it may reject the annexation, despite having a valid petition).
- 4) Annexation of Small Unincorporated Islands Method:** This method is only applicable to areas less than 100 acres in size where at least 80% of the area boundaries are contiguous to the city or town. A public hearing must be held, after which the city passes an ordinance to annex. The annexation is subject to resident referendum (i.e., can be overturned) if a petition signed by at least 10% of the area residents is filed with the city within 45 days of the date the city ordinance is adopted. If such a petition is filed, an

election on the issue is held and the annexation must be approved by not less than 50% of those persons in the area voting on the matter.

- 5) Annexation of Unincorporated Territory Method:** This new method of annexation (2003 legislature) allows for a city and county to annex territory via interlocal agreement—but the agreement (and thus the annexation) can be overturned by residents of the proposed annexation area. This method may only be used to annex areas bordered at least 60% by one or more cities. Following a public hearing(s) and adoption of an annexation agreement between the county and city legislative bodies, the city council adopts an ordinance annexing the territory. The ordinance must set the date that the annexation is effective, but that date must be 45 days or more following the date of ordinance adoption to accommodate a referendum procedure. If during that 45 day period a petition is filed with the city signed by at least 15% of the registered voters of the area, then an election on the question must be held at which at least a simple majority of those persons voting on the matter approve the annexation.

The Role of the Boundary Review Board

The Washington State Boundary Review Board for King County (BRB) is responsible for reviewing all city and special district (water, sewer, fire) annexations in the county. It evaluates annexation proposals for consistency with state and local laws. The BRB also provides direct assistance to residents on annexation questions, such as how to file a petition or challenge an annexation proposal. The BRB also provides information to those seeking to create new cities through incorporation. The King County BRB may be reached at 206-296-6800 or <http://metrokc.gov/annexations>.

Boundary Review Board Evaluation of each annexation proposal: Under all state annexation processes described above, there is a point at which the annexation proposal is submitted to the Boundary Review Board. The Boundary Review Board ensures that the annexation proposal application is complete and then circulates a notice of intent (“NOI”) and staff analysis of that document to other affected governments such as King County, adjacent cities, water and sewer providers.

Affected parties (applicant, citizen petition, affected jurisdictions and/or King County Council) may “invoke jurisdiction” of the BRB, asking it to formally approve, reject or modify an annexation proposal. At the public hearing held for such purpose, the BRB takes testimony from all interested parties and then assesses whether the proposed annexation is or is not consistent with the Boundary Review Board statute criteria (RCW 36.93.180), the state Growth Management act, and King County’s Countywide Planning Policies. Based upon compliance with these criteria, the Boundary Review Board will decide to approve, modify or deny the annexation. The Board’s decision may be appealed to King County Superior Court.